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## TRANSMITTAL LETTER

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicant : Kagan, et al.  
 App. No : 10/698,148  
 Filed : October 31, 2003  
 For : APPARATUS AND METHODS FOR  
 TREATMENT OF MORBID OBESITY  
 Examiner : Unknown  
 Art Unit : 3762

## CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

3/8/06

(Date)

Gerard von Hoffmann, Reg. No. 33,043

## Mail Stop Amendment

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application are:

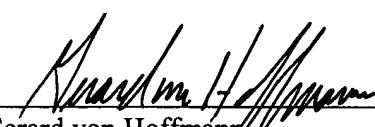
(X) A Supplemental Information Disclosure Statement and PTO/SB/08 equivalent listing references for consideration:

(X) Listing 55 references.

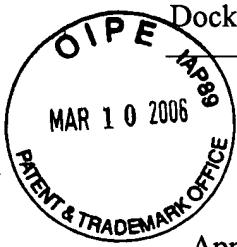
(X) Enclosing 9 references.

(X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.

(X) Return prepaid postcard.


 A handwritten signature of Gerard von Hoffmann in black ink.

Gerard von Hoffmann  
 Registration No. 33,043  
 Attorney of Record  
 Customer No. 20,995  
 (949) 760-0404

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Examiner : Unknown  
Art Unit : 3762

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application is a PTO/SB/08 Equivalent listing 55 references to be considered by the Examiner. Also enclosed are 9 foreign patent references and/or non-patent literature as listed on the Supplemental Information Disclosure Statement.

Identification herein is not an admission that any of the foregoing are prior art to the above captioned application.

This Supplemental Information Disclosure Statement is being filed before the receipt of a first Office Action on the merits, and presumably no fee is required. If a first Office Action on the merits was mailed before the mailing date of this Statement, the Commissioner is authorized to charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 3/8/06

By: Gerard von Hoffmann

Gerard von Hoffmann  
Registration No. 33,043  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

MAR 10 2006

(Multiple sheets used when necessary)

SHEET 1 OF 2

Application No.	10/698,148
Filing Date	October 31, 2003
First Named Inventor	Kagan, et al.
Art Unit	3762
Examiner	Unknown
Attorney Docket No.	VALTX.001A

**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
1	4,532,926	08/1985	O'Holla		
2	4,641,653	02/1987	Rockey		
3	4.763,653	08/1988	Rockey		
4	RE. 34,021	08/1992	Mueller et al.		
5	5,314,473	05/1994	Godin		
6	5,470,337	11/1995	Moss		
7	5,887,594	03/1999	LoCicero, III		
8	5,957,940	09/1999	Tanner et al.		
9	5,972,023	10/1999	Tanner et al.		
10	6,113,609	09/2000	Adams		
11	6,409,656 B1	06/2002	Sangouard et al.		
12	6,494,888 B1	12/2002	Laufer et al.		
13	6,535,764 B2	03/2003	Imran et al.		
14	6,544,291 B2	04/2003	Taylor		
15	6,558,400 B2	05/2003	Deem et al.		
16	6,558,429 B2	05/2003	Taylor		
17	6,593,596 B1	07/2003	Geitz		
18	6,626,919 B1	09/2003	Swanstorm		
19	6,675,809 B2	01/2004	Stack et al.		
20	6,699,263 B2	03/2004	Cope		
21	6,736,828 B1	05/2004	Adams et al.		
22	6,740,121 B2	05/2004	Geitz		
23	6,845,776 B2	01/2005	Stack et al.		
24	2001/0016748 A1	08/2001	Tanner et al.		
25	2002/0165589 A1	11/2002	Imaran et al.		
26	2003/0130560 A1	07/2003	Suzuki et al.		
27	2003/0191497 A1	10/2003	Cope		
28	2004/0044364 A1	03/2004	DeVries et al.		
29	2004/0092974 A1	05/2004	Ganno et al.		
30	2004/0087976 A1	05/2004	DeVries et al.		

Examiner Signature

Date Considered

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> - Place a check mark in this area when an English language Translation is attached.

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		Application No.	10/698,148
		Filing Date	
		First Named Inventor	
		Art Unit	
<i>(Multiple sheets used when necessary)</i>		Examiner	Unknown
SHEET 2 OF 2		Attorney Docket No.	VALTX.001A

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number <i>Number - Kind Code (if known)</i> Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
31		2004/0092892 A1	05/2004	Kagan et al.	
32		2004/0122456 A1	06/2004	Saadat et al.	
33		2004/0122473 A1	06/2004	Ewers et al.	
34		2004/0153167 A1	08/2004	Stack et al.	
35		2004/0158331 A1	08/2004	Stack et al.	
36		2004/0167546 A1	08/2004	Saadat et al.	
37		2004/0186514 A1	09/2004	Swain et al.	
38		2004/0220682 A1	11/2004	Levine et al.	
39		2004/0243152 A1	12/2004	Taylor et al.	
40		2004/0249362 A1	12/2004	Levine et al.	
41		2005/0075654 A1	04/2005	Kelleher	
42		2005/0085787 A1	04/2005	Laufer	
43		2005/0085923 A1	04/2005	Levine et al.	
44		2005/0096673 A1	05/2005	Stack et al.	
45		2005/0125020 A1	06/2005	Meade et al.	
46		2005/0125075 A1	06/2005	Meade et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document <i>Country Code-Number-Kind Code</i> Example: JP 1234567 A1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T <sup>1</sup>
47		WO 03/017882 A2	03/2003	WIPO		
48		WO 04/017863 A2	03/2004	WIPO		
49		WO 04/049982 A2	06/2004	WIPO		
50		WO 04/064680 A1	08/2004	WIPO		
51		WO 04/080336 A2	09/2004	WIPO		
52		WO 04/086984 A1	11/2004	WIPO		
53		WO 05/037152 A1	04/2005	WIPO		
54		WO 05/060869 A1	07/2005	WIPO		
55		WO 05/060882 A1	07/2005	WIPO		

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Examiner Signature	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

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